

OFFICIAL  
PATENT  
RECEIVED  
CENTRAL FAX CENTER

DEC 02 2003

Docket No: 10806-152

**CERTIFICATE OF FACSIMILE**

I hereby certify that this paper is being transmitted via facsimile to Mail Stop Fee Amendment; Commissioner for Patents; P.O. Box 1450; Alexandria, VA at facsimile number 703-308-0294 on October 14, 2003.

*Ramona Anderson*

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Anneli Attersand : Paper No.  
Serial No.: 09/990,415 : Group Art Unit: 1653  
Filing Date: November 21, 2001 : Examiner: C.M. Kam

For: Gene Encoding Protein Cluster I and the Encoded Protein

**RESPONSE**

Mail Stop Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated July 31, 2003, the Examiner required restriction under 35 U.S.C. §121 between claims 1, 4-7 and 9 drawn to nucleic acids, vectors, host cells and methods for producing polypeptides, claims 2 and 3 drawn to polypeptides encoded by nucleic acid, and claim 8 drawn to a method for identifying an agent capable of modulating a nucleic acid. Applicant hereby elects the invention of claims 1, 4-7 and 9. This election is made with traverse on the basis that it would not be unduly burdensome for the Examiner to examine all of the claims in this application.

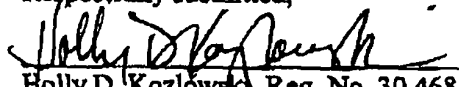
The Examiner further indicated in the Official Action that should group I, claims 1, 4-7 and 9, be elected, Applicant is required to select one nucleotide sequence identified by SEQ ID NO from claim 1 as any nucleic acid is considered, absent factual data to the contrary, a distinct nucleotide. The Examiner specifically noted this is not a species election.

Applicant hereby elects SEQ ID NO: 1, with traverse. Traversal is made on the basis that it

would not be unduly burdensome for the Examiner to examine all of sequences 1, 3, 5 and 7 as recited in claims 1, 4-7 and 9. As set forth in the specification, for example, in the technical field, the invention relates to the identification of a human gene family expressed in metabolically relevant tissues, which genes encode a group of polypeptides referred to as "protein cluster I". In example 2 of the present application, analysis of protein cluster I, the alignment analysis shows a high degree of conservation in two separate regions, indicating a presence of two novel domains. In view of the homology, Applicant submits that it would not be unduly burdensome for the Examiner to examine all of SEQ ID NOS: 1, 3, 5 and 7 in this application. Reconsideration of this portion of the restriction requirement is therefore respectfully requested.

Examination on the merits is requested.

Respectfully submitted,

  
Holly D. Kozlowski, Reg. No. 30,468  
DINSMORE & SHOHL LLP  
1900 Chemco Center  
255 East Fifth Street  
Cincinnati, Ohio 45202  
(513) 977-8568

763412v1